

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Application No. (if known): 10/516075

Attorney Docket No.: 13173-00012-US

## Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on May 16, 2005  
Date



Signature

Tina R. Hall

Typed or printed name of person signing Certificate

Registration Number, if applicable

(302) 658-9141  
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Statement Under 37 CFR 3.73(b) (1page)  
Transmittal for Power of Attorney (1page)  
Power of Attorney (1page)  
Copy of Assignment and cover sheet (3 pages)  
Post Card

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

---

In re Patent Application of:  
Uwe Sonnewald et al.

Application No.: 10/516075

Confirmation No.:

Filed: November 29, 2004

Art Unit: N/A

---

For: Methods for Obtaining Pathogen Resistance in  
Plants

---

Examiner: Not Yet Assigned


TRANSMITTAL OF POWER OF ATTORNEY

Dear Sir:

Applicants enclose herewith the executed Power Of Attorney To Prosecute Applications Before the USPTO with change of correspondence address and Statement Under 37 CFR § 3.73(b) in the above-referenced application. Because a Notice of Recordation has not yet been received, the Reel and Frame number have not been completed in the Statement Under 37 CFR § 3.73(b). However, a copy of the original assignment and cover sheet submitted with the filing of the National Stage of the above-referenced application on November 29, 2004 is enclosed.

Applicants believe no fee is due. However, if a fee is due, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 13173-00012-US, from which the undersigned is authorized to draw.

Respectfully submitted,

By 

Roberte M. D. Makowski

Registration No.: 55,421

CONNOLLY BOVE LODGE &amp; HUTZ LLP

1007 North Orange Street

P.O. Box 2207

Wilmington, Delaware 19899

(302) 658-9141

(302) 658-5614 (Fax)

Attorney for Applicants

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Uwe Sonnewald et al.Application No./Patent No.: 10/516075Filed/Issue Date: November 29, 2004Entitled: METHODS FOR OBTAINING PATHOGEN RESISTANCE IN PLANTSSunGene GmbH & Co.  
(Name of Assignee), a Corporation  
(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_ ,  
Frame \_\_\_\_\_ , or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_ , Frame \_\_\_\_\_ , or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_ , Frame \_\_\_\_\_ , or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_ , Frame \_\_\_\_\_ , or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Robert M. Makowski  
SignatureMay 16, 2005  
DateRobert M.D. Makowski, Ph.D.  
Printed or Typed Name302-658-9141  
Telephone NumberAttorney-Reg. No. 55,421  
Title

## POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☒ Practitioners associated with the Customer Number: 23416

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☒ The address associated with Customer Number: 23416

OR

☐ Firm or Individual Name

Address

City

Country

State

Telephone

Zip

Fax

Assignee Name and Address:

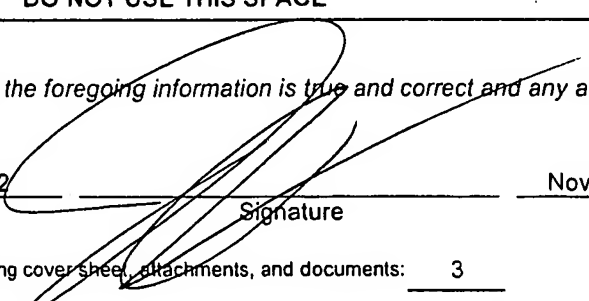
SunGene GmbH & Co. KGaA  
Corrensstr. 3  
06466 Gatersleben  
GERMANY

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

## SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature	<i>Karin Herbers</i>	Date	07.04.05
Name	Karin Herbers	Telephone	039482 760103
Title	Managing Director		

Form PTO-1595 (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002)	<b>RECORDATION FORM COVER SHEET</b> <b>PATENTS ONLY</b>	U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof		
1. Name of conveying party(ies): Karin HERBERS, Bettina TSCHIERSCH, Uwe SONNEWALD, Frederik BORNKE, and Horst-Ekkehard NEUHAUS Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Name and address of receiving party(ies) Name: <u>SunGene GmbH &amp; Co. KGaA</u> Street Address: <u>06466 Gatersleben</u> <u>GERMANY</u> Additional name(s) & address(es) attached: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Nature of Conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: <u>July 23, 2003</u>		
4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the new application is: <u>July 23, 2003</u> A. Patent Application No.(s): _____ B. Patent No.(s): _____ Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>James Remenick</u> <u>MORRISON &amp; FOERSTER LLP</u> Street Address: <u>1650 Tysons Blvd., Suite 300</u> City: <u>McLean</u> State: <u>VA</u> Zip: <u>22102</u>	6. Total number of applications and patents involved: <u>1</u> 7. Total fee (37 CFR 3.41) \$ <u>40.00</u> <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account <input type="checkbox"/> Authorized to be charged to credit card (Form 2038 enclosed) 8. Deposit account number: <u>03-1952</u> (Attach duplicate copy of this page if paying by deposit account)	
<b>DO NOT USE THIS SPACE</b>		
9. Statement and signature. <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="width: 40%;"> <u>James Remenick, Reg. No. 36,902</u>            Name of Person Signing         </div> <div style="width: 30%; text-align: center;">             Signature         </div> <div style="width: 20%; text-align: center;"> <u>November 29, 2004</u>            Date         </div> </div> <div style="text-align: center; margin-top: 10px;">           Total number of pages including cover sheet, attachments, and documents: <u>3</u> </div>		

## Assignment of Application

0000053687

WHEREAS, I (WE)

*Karin Herbers, Am Hange 6, 06484 Quedlinburg, Germany*  
*Citizen of Germany*

*Bettina Tschiersch, Ballstr. 26a, 06484 Quedlinburg, Germany*  
*Citizen of Germany*

*Uwe Sonnewald, Am Hange 6, 06484 Quedlinburg, Germany*  
*Citizen of Germany*

*Frederik Börnke, Am heiligen Brunnen 2, 06484 Quedlinburg, Germany*  
*Citizen of Germany*

*Horst-Ekkehard Neuhaus, Im Braumenstück 13, 67659 Kaiserslautern, Germany*  
*Citizen of Germany*

respectively, have invented certain new and useful improvements in

METHODS FOR OBTAINING PATHOGEN RESISTANCE IN PLANTS

for which an application for Letters Patent was executed on July 23, 2003

(Application No. \_\_\_\_\_, filed \_\_\_\_\_), and

WHEREAS, *SunGene GmbH & Co. KGaA* (hereinafter referred to as "ASSIGNEE"), having a place of business at *06466 Gatersleben, Germany*, is desirous of acquiring the entire right, title and interest in and to said invention and in and to any Letters Patent that may be granted therefore in the United States and its territorial possessions and in any and all foreign countries;

NOW, THEREFORE, in consideration of the sum of Five Dollars (\$5.00), the receipt whereof is hereby acknowledged, and for other good and valuable consideration, I (WE), by these presents do sell, assign and transfer unto said ASSIGNEE, the full and exclusive right to the said invention in the United States and its territorial possessions and in all foreign countries and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States and its territorial possessions and in any and all foreign countries and in and to any and all divisions, reissues, continuations, substitutions and renewals thereof.

I (WE) hereby authorize and request the Patent Office Officials in the United States and its territorial possessions and any and all foreign countries to issue any and all of said Letters Patent, when granted, to said ASSIGNEE as the assignee of my (our) entire right, title and interest in and to the same, for the sole use and behoof of said ASSIGNEE, its (his) successors and assigns, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by me (us) had this Assignment and sale not been made.

FURTHER, I (WE) agree that I (WE) will communicate to said ASSIGNEE, or its (his) representatives any facts known to me (us) respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, substitute, renewal and reissue applications, execute all necessary assignment papers to cause any and all of said Letter Patent to be issued to said ASSIGNEE, make all rightful oaths, and, generally do everything possible to aid said ASSIGNEE, its (his) successors and assigns, to obtain and enforce proper protection for said invention in the United States and its territorial possessions and in any and all foreign countries.

The undersigned hereby grant(s) the firm of MORRISON & FOERSTER LLP, 1650 TYSONS BOULEVARD, SUITE 300, McLEAN, VIRGINIA 22102-3915, the power to insert on this assignment any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

0000053687

Date: 23. Juli 2003

Signature of Inventor:

  
Karin Herbers

Date: 23. Juli 2003

Signature of Inventor:

  
Bettina Tschiersch

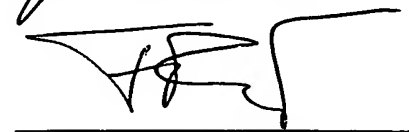
Date: 23. Juli 2003

Signature of Inventor:

  
Uwe Sonnewald

Date: 23. Juli 2003

Signature of Inventor:

  
Frederik Börnke

Date: 23. Juli 2003

Signature of Inventor:

  
Horst-Ekkehard Neuhaus